

SEC. 5223. PROHIBITION AGAINST DOCUMENTS PORTRAYING THE SOUTH CHINA SEA OR THE EAST CHINA SEA AS PART OF CHINA.

The Government Publishing Office may not publish any map, document, record, electronic resource, or other paper of the United States (other than materials relating to hearings held by committees of Congress or internal work product of a Federal agency) portraying or otherwise indicating that it is the position of the United States that the territory or airspace in the South China Sea that is disputed among two or more parties or the territory or airspace of areas administered by Japan or the Republic of Korea, including in the East China Sea, is part of the territory or airspace of the People's Republic of China.

SEC. 5224. AUTHORIZATION TO PROHIBIT CERTAIN ASSISTANCE TO COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) **PROHIBITION.**—Except as provided by subsection (c) or (d), no amounts may be obligated or expended to provide foreign assistance to the government of any country identified in a report required by subsection (b).

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, and annually thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the appropriate committees of Congress a report identifying each country that the Secretary determines has taken an official and stated position to recognize, after such date of enactment, the sovereignty of the People's Republic of China over territory or airspace disputed by one or more countries in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(3) **PUBLIC AVAILABILITY.**—The Secretary of State shall publish the unclassified part of the report required by paragraph (1) on a publicly available website of the Department of State.

(c) **EXCEPTION.**—This section shall not apply with respect to Taiwan, counterterrorism activities, counternarcotics activities, global health assistance, humanitarian assistance, disaster assistance, or emergency food assistance.

(d) **WAIVER.**—The President may waive the application of subsection (a) with respect to the government of a country if the President determines that the waiver is in the national interests of the United States.

(e) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1779. Mr. MORAN (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub

program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ REGIONAL INNOVATION CLUSTERS.

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Small Business Administration.

(2) **AWARD.**—The term “award” means a contract, grant, or cooperative agreement.

(3) **CLUSTER INITIATIVE.**—The term “Cluster Initiative” means a formally organized effort to promote the growth and competitiveness of an industry sector through collaborative activities among Industry Cluster participants that is led by—

(A) a State;

(B) an Indian Tribe;

(C) a city or other political subdivision of a State;

(D) a nonprofit organization, including an institution of higher education or a venture development organization; or

(E) a small business concern.

(4) **INDUSTRY CLUSTER.**—The term “Industry Cluster” means a geographic concentration, relative to the size of the region under consideration, of interconnected businesses, suppliers, service providers, and associated institutions in an industry sector, including advanced manufacturing, precision agriculture, cybersecurity, biosciences, water technologies, energy production and efficiency, and outdoor recreation.

(5) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(8) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(b) **SUPPORTING INDUSTRY CLUSTERS.**—

(1) **AUTHORIZATION.**—The Administrator shall enter into contracts with Cluster Initiatives that strengthen Industry Clusters in accordance with the requirements under this subsection.

(2) **INDUSTRY CLUSTER OUTCOMES.**—Cluster Initiatives shall be assessed according to their performance along the following metrics:

(A) Growth in number of small business concerns participating in the Industry Cluster and support industries.

(B) Growth in number of small business concern startups in the Industry Cluster.

(C) Growth in total capital, including revenue and equity investments, flowing to small business concern participants in the Industry Cluster.

(D) Growth in job creation by small business concerns or, in regions with declining total employment, job retention by small business concerns in the Industry Cluster.

(E) Growth in new products, services, or business lines.

(F) Growth in new technologies developed within the Industry Cluster.

(3) **REPORTING.**—The Administrator shall require Cluster Initiatives to submit annual reports documenting the outcomes in paragraph (2) and the activities contributing to those outcomes.

(4) **SELECTION CRITERIA.**—In entering into contracts with Cluster Initiatives under this subsection, the Administrator shall consider—

(A) the probable impact of the Cluster Initiative on the competitiveness of the Industry Cluster, including—

(i) whether the Cluster Initiative will be inclusive of any and all organizations that might benefit from participation, including startups, small business concerns not locally owned, and small business concerns rival to existing members of the Industry Cluster; and

(ii) whether the Cluster Initiative will encourage broad participation by and collaboration among all types of participants;

(B) if the proposed Cluster Initiative fits within a broader and achievable economic development strategy;

(C) the capacity and commitment of the sponsoring organization of the Cluster Initiative organization, including—

(i) the expected ability of the Cluster Initiative to access additional funds from other sources; and

(ii) the capacity of the Cluster Initiative to sustain activities once grant funds have been expended;

(D) the degree of involvement from relevant State and regional economic and workforce development organizations, other public purpose institutions (such as universities, community colleges, venture development organizations, and workforce boards), and the private sector, including industry associations; and

(E) the extent to which economic diversity across regions of the United States would be increased through the contract.

(5) **INITIAL AWARD.**—The Administrator may enter into a 1-year award not to exceed \$1,000,000 with each Cluster Initiative.

(6) **RENEWAL.**—

(A) **IN GENERAL.**—The Administrator may renew an award entered into with a Cluster Initiative under paragraph (5)—

(i) for 1 year in an amount not to exceed \$750,000 per year; and

(ii) for a total period not to exceed 5 years.

(B) **REQUIREMENT.**—A Cluster Initiative shall compete in a new funding opportunity to receive any further awards under this subsection.

(7) **CLUSTER INITIATIVE RESOURCES.**—

(A) **IN GENERAL.**—The Administrator may not enter into a contract under this subsection that would provide more than two-thirds of the revenue of the entity receiving the award.

(B) **EXCEPTION.**—The Administrator may make an award providing a higher percentage of the revenue of the entity receiving the award if the recipient adequately demonstrates that the Cluster Initiative will be able to access additional funding, such as through the revenues of subcontractors or through a commitment of matching funds provided from regional partners.

(8) **COMPETITIVE PROCESS.**—The Administrator shall enter into new awards under this subsection for each year that appropriations are available.

(c) **FEASIBILITY STUDY GRANTS.**—

(1) **IN GENERAL.**—The Administrator may award grants for feasibility studies, planning, and operations to support the launch of new Cluster Initiatives.

(2) **AMOUNT.**—The total amount of grants awarded under paragraph (1) shall not exceed \$250,000.

(3) ELIGIBLE RECIPIENTS.—The Administrator may provide grants under paragraph (1) to—

- (A) a State;
- (B) an Indian Tribe;
- (C) a city or other political subdivision of a State; or
- (D) a nonprofit organization, including an institution of higher education or a venture development organization.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$50,000,000 for fiscal year 2022 and each subsequent fiscal year to carry out this section.

SA 1780. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITING TSP INVESTMENT IN CHINA.

(a) FINDINGS.—Congress finds the following:

(1) The Thrift Savings Fund invests more than \$700,000,000,000 on behalf of plan participants. As the guardian of the retirement funds of approximately 6,000,000 Federal civilian and military plan participants, it is critical that sums in the Thrift Savings Fund are not invested in securities linked to the economy of the People's Republic of China.

(2) Companies headquartered in the People's Republic of China have repeatedly committed corporate espionage, violated sanctions imposed by the United States, flouted international property laws, committed theft, and failed to comply with audit and regulatory standards designed to safeguard investors.

(3) The Thrift Savings Plan is known for its low management fees and comprehensive array of investment strategies. The provisions of this section, and the amendments made by this section, will not increase fees imposed on participants of the Thrift Savings Plan.

(4) The November 2017 selection of the MSCI ACWI Index by the Federal Retirement Thrift Investment Board, initially scheduled to be effective in 2020, would violate the terms of subsection (i) of section 8438 of title 5, United States Code, as added by subsection (b)(1) of this section.

(b) PROHIBITION ON ANY TSP FUND INVESTMENT IN ENTITIES ORGANIZED OR ESTABLISHED IN THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Section 8438 of title 5, United States Code, is amended by adding at the end the following:

“(i) Notwithstanding any other provision of this section, no fund established or overseen by the Board may include an investment in any security of—

“(1) an entity organized or established in the People's Republic of China; or

“(2) any subsidiary that is owned or operated by an entity described in paragraph (1).”.

(2) DIVESTITURE OF ASSETS.—Not later than 180 days after the date of enactment of this Act, the Federal Retirement Thrift Investment Board established under section 8472(a) of title 5, United States Code, shall—

(A) review whether any sums in the Thrift Savings Fund are invested in violation of subsection (i) of section 8438 of that title, as added by paragraph (1) of this subsection;

(B) if any sums are invested in the manner described in subparagraph (A), divest those sums in a manner that is consistent with the legal and fiduciary duties provided under chapter 84 of that title, or any other applicable provision of law; and

(C) reinvest any sums divested under subparagraph (B) in investments that do not violate subsection (i) of section 8438 of that title, as added by paragraph (1) of this subsection.

(c) PROHIBITION ON INVESTMENT OF TSP FUNDS IN ENTITIES ORGANIZED OR ESTABLISHED IN THE PEOPLE'S REPUBLIC OF CHINA THROUGH THE TSP MUTUAL FUND WINDOW.—Section 8438(b)(5) of title 5, United States Code, is amended by adding at the end the following:

“(E) A mutual fund accessible through a mutual fund window authorized under this paragraph may not include an investment in any security of—

“(i) an entity organized or established in the People's Republic of China; or

“(ii) any subsidiary that is owned or operated by an entity described in clause (i).”.

SA 1781. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REQUIREMENT FOR AN AUTHORIZATION FOR THE USE OF MILITARY FORCE.

Notwithstanding the War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541 et seq.), the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), any other provision of law, and any obligations under the Japanese Treaty, the Philippines Treaty, the U.S. Australia New Zealand Agreement, the Republic of Korea Treaty, or the Southeast Asia Treaty, the President may not introduce members of the Armed Forces into hostilities in or involving the People's Republic of China unless—

(1) such action is necessary, for a period of no longer than 30 days, to repel a sudden attack, or the concrete, specific, and immediate threat of such a sudden attack, upon the United States, its territories, or possessions, its armed forces, or other United States citizens overseas; or

(1) Congress has enacted an authorization for the use of military force.

SA 1782. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to es-

tablish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3313 and insert the following:

SEC. 3313. MODIFICATIONS TO AND REAUTHORIZATION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS VIOLATIONS.

(a) DEFINITIONS.—Section 1262 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended by striking paragraph (2) and inserting the following:

“(2) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to a foreign person, means the spouse, parent, sibling, or adult child of the person.”.

(b) SENSE OF CONGRESS.—The Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended by inserting after section 1262 the following new section:

“SEC. 1262A. SENSE OF CONGRESS.

“It is the sense of Congress that the President should establish and regularize information sharing and sanctions-related decision making with like-minded governments possessing human rights and anti-corruption sanctions programs similar in nature to those authorized under this subtitle.”.

(c) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—Subsection (a) of section 1263 of the Global Magnitsky Human Rights Accountability Act (Subtitle F of title XII of Public Law 114-328; 22 U.S.C. 2656 note) is amended to read as follows:

“(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to—

“(1) any foreign person that the President determines, based on credible information—

“(A) is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse or any violation of internationally recognized human rights;

“(B) is a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in—

“(i) corruption, including—

“(I) the misappropriation of state assets;

“(II) the expropriation of private assets for personal gain;

“(III) corruption related to government contracts or the extraction of natural resources; or

“(IV) bribery; or

“(ii) the transfer or facilitation of the transfer of the proceeds of corruption;

“(C) is or has been a leader or official of—

“(i) an entity, including a government entity, that has engaged in, or whose members have engaged in, any of the activities described in subparagraph (A) or (B) during the tenure of the leader or official; or

“(ii) an entity whose property and interests in property are blocked pursuant to this section as a result of activities during the tenure of the leader or official;

“(D) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of—

“(i) an activity described in subparagraph (A) or (B) that is conducted by a foreign person;

“(ii) a person whose property and interests in property are blocked pursuant to this section; or

“(iii) an entity, including a government entity, that has engaged in, or whose members have engaged in, an activity described